

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, DECEMBER 11, 2001  
COUNTY COMMISSIONERS CHAMBERS  
FIRST FLOOR, COUNTY-CITY BUILDING  
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair  
Bob Workman, Vice Chair  
Larry Hudkins  
Bernie Heier  
Ray Stevens

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
David Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Trish Owen, Deputy County Clerk  
Ann Taylor, County Clerk's Office

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, December 4, 2001. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

**MOTION:** Hudkins moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated December 4, 2001. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 8 additions and deductions to the tax assessment rolls per Exhibit A.**

**MOTION:** Workman moved and Heier seconded approval. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Sisters of Mary Queen of Mercy**

**MOTION:** Heier moved and Workman seconded approval of the motor vehicle tax exemption for Sisters of Mary Queen of Mercy. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **ADJOURNMENT:**

**MOTION:** Heier moved and Stevens seconded adjournment of the Board of Equalization meeting at 1:35 p.m. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

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Commissioners Present: Kathy Campbell, Chair  
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Others Present: Kerry Eagan, Chief Administrative Officer  
Gwen Thorpe, Deputy Chief Administrative Officer  
David Johnson, Deputy County Attorney  
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- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, December 4, 2001. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

**MOTION:** Hudkins moved and Workman seconded approval of the minutes of the Board of Commissioners meeting dated December 4, 2001. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, December 11, 2001.

**MOTION:** Workman moved and Hudkins seconded approval. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **CLAIMS FOR REVIEW:**

1. **PV 782-1069, dated November 20, 2001 - Families First & Foremost (F<sup>3</sup>) has requested payment to Clyde Malone Community Center, totaling \$3,757.31, for Training & Care Coordination, for which there is no Contract. (M-01-152)**

Sheryl Schrepf, Juvenile Mental Health Director, appeared and explained that although the funding was withdrawn from the Clyde Malone Community Center, it was not the intent to disrupt services to the families the Care Coordinator at the Malone Center served. She said the Care Coordinator was moved to the Good Neighbor Community Center, effective December 1, 2001, and said this claim is for payment of services prior to that time.

Dave Johnson, Deputy County Attorney, appeared and said there will be one additional voucher from the Clyde Malone Community Center, for care coordination services provided after November 20, 2001.

**MOTION:** Heier moved and Hudkins seconded approval. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

2. **PV 782-1061, dated November 16, 2001 - Families First & Foremost (F<sup>3</sup>) has requested payment to Child Guidance Center, totaling \$4,205.93, for Flex Funds (Training & Care Coordination), for which there is no Contract. (M-01-153)**

Sheryl Schrepf, Juvenile Mental Health Director, appeared and said there has been an ongoing discussion of how to provide the Families First & Foremost (F<sup>3</sup>) System of Care access to flexible funding. She said the Child Guidance Center initially provided all flex fund services to F<sup>3</sup>, but said some claims are now being run through the County Clerk's Office. She said \$1,375 of the claim amount is for flex funds to help pay for wraparound services for the families and the remainder is related to flex funding education and training of F<sup>3</sup> staff. Schrepf said one more claim is anticipated.

Dave Johnson, Deputy County Attorney, noted that the Board recently approved \$2,000 for a petty cash fund for the Department of Juvenile Mental Health and said there will not be sufficient funds available to pay claims of this nature. He said the agency should contract for education and training.

3) **CLAIMS FOR REVIEW CONTINUED:**

Johnson recommended that, in the future, the Juvenile Mental Health Director attach an itemized list of expenditures that she approves for submission to the County Clerk and approval by the Board.

**MOTION:** Heier moved and Stevens seconded approval. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

4) **SPECIAL PRESENTATIONS:**

**A. Presentation of the Commissioners Award of Excellence to Judi Tannahill, Administrative Services Officer at the Community Mental Health Center, for the month of October and to Darlene Miller, Stores Clerk II at Lancaster Manor, for the month of November.**

By direction of the Chair, presentation of the Commissioners Award of Excellence to Judi Tannahill, Administrative Services Officer at the Community Mental Health Center, for the month of October was held.

The Commissioners Award of Excellence was presented to Darlene Miller, Stores Clerk II at Lancaster Manor, for the month of November.

5) **PUBLIC HEARINGS:**

**A. A corporate manager application from Rebecca P. Haskins in connection with a Class E (Beer Off Sale Only) and a Class K (Wine Off Sale Only) liquor license for the Gas 'N Shop located at 4003 West Highway 34 in Lancaster County, Nebraska.**

The Chair opened the public hearing and asked if anyone wished to testify.

Rebecca P. Haskins, Gas 'N Shop, appeared and said she is the area manager for the Lincoln region.

The Chair closed the public hearing.

6) **NEW BUSINESS:**

**A. Designation of the official newspaper(s) for Lancaster County for 2002 for publication of transportation projects. (M-01-144)**

By direction of the Chair, the item was held.

6) **NEW BUSINESS CONTINUED:**

**B. Amendment to child support enforcement services agreement with the Nebraska Department of Health and Human Services. The amendment extends the term of the agreement by 150 days. The amendment requires the Clerk of the District Court to take on additional duties and the County will be reimbursed for services provided. (C-01-583)**

By direction of the Chair, the item was held.

**C. Agreement with Interim Healthcare of Lincoln to provide supplemental nursing personnel to work various shifts in the County Corrections facility. The term of the agreement is for one year from the date of execution. County will pay Interim based upon the rates provided in Attachment A. (C-01-587)**

**MOTION:** Heier moved and Workman seconded approval. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

**D. Amendment to agreement with BryanLGH Medical Center to provide substance abuse services to criminal justice adolescents under County Contract #C-01-162. The amendment provides \$2,965.43 for the purchase of a Dell Computer and related items which will be returned to the County should Bryan no longer provide services to the Juvenile Drug Court. (C-01-584)**

**MOTION:** Workman moved and Heier seconded approval. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

**E. Agreement with the firm of Anderson, Creager & Wittstruck, P.C., to provide indigent parents and juveniles legal representation in Juvenile Court proceedings. The term of the agreement is January 1, 2002 through December 31, 2004. The County will reimburse the firm for their services in the amount of \$243,000. The County may also pay an additional \$1,000 for each case the firm takes over their maximum. (C-01-585)**

**MOTION:** Heier moved and Stevens seconded approval. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

F. Amendment to Care Coordinator agreement with Good Neighbor Community Center. Amendment provides wraparound services to 20 youth and their families, instead of 10. The County will pay an additional \$31,667. (C-01-591)

**MOTION:** Heier moved and Hudkins seconded approval. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

G. Ratify the following three contracts for records management software for Lancaster County:

1. "Professional Services for software configuration and training", in the amount of \$20,500. (C-01-588)
2. "Tower Software Product License" (for Phases 1-3), in the amount of \$91,587. (C-01-589)
3. "Tower Software Standard Product Support & Software Upgrade", in the amount of \$16,485.66. (C-01-590)

All contracts are with Tower Software to provide the software, configuration, training, support and upgrades as listed in the various contract agreements for a total amount not to exceed \$128,572.66. The award of this project was approved by the County Board on Tuesday, November 13, 2001.

Dave Johnson, Deputy County Attorney, appeared and requested the following amendments and asked that they be initialed by the Chair, if approved:

1. "Professional Services for software configuration and training", in the amount of \$20,500. (C-01-588)

Section IV - Other Matters

Add the following language to the end of the second sentence in Item C:  
**and approved by the Lancaster County Board of Commissioners.**

Strike the following language in Item F: **other than goods, materials and equipment furnished under this contract including the loss of use resulting therefrom;**

Strike Subsections 1,2,3 and 4 in Item L and substitute the following language: **(See Exhibit D - "Insurance Clause for All County Contracts")**

6) **NEW BUSINESS CONTINUED:**

2. **"Tower Software Product License" (for Phases 1-3), in the amount of \$91,587. (C-01-589)**

Delete the Limitation of Liability Section on Page 2.

Delete the following language in the Indemnification Section on Page 2: **other than goods, materials and equipment furnished under this contract including the loss of use resulting therefrom;**

Add the following language to the Terms of Payment Section: **Total cost of: \$91,587.00**

3. **"Tower Software Standard Product Support & Software Upgrade", in the amount of \$16,485.66. (C-01-590)**

Delete the following language in the Indemnification Section on Page 2: **other than goods, materials and equipment furnished under this contract including the loss of use resulting therefrom;**

Add the following language to the Terms of Payment Section: **Total cost of: \$16,485.66**

**MOTION:** Heier moved and Workman seconded approval, with those amendments. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

- H. **An actuary contract with Midwest Casualty Company to provide consultation with the County regarding its self-insured Workers' Compensation Program and General Liability Program. The County will pay \$8,000 for the services upon receipt of the report. (C-01-594)**

By direction of the Chair, the item was held.

- I. **Authorization of Wells Fargo Bank, as Trustee, to disburse \$845.38 from the juvenile detention center bond proceeds to Lincoln Electric System for engineering, inspection and final power connections for an ornamental lighting system on Radcliff Street in connection with the new Juvenile Detention Center. (M-01-145)**

**MOTION:** Hudkins moved and Stevens seconded approval. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.



6) **NEW BUSINESS CONTINUED:**

**J. Authorization of Wells Fargo Bank, as Trustee, to disburse the following amounts from the juvenile detention center bond proceeds to the following companies for start up supplies and miscellaneous items for the new Juvenile Detention Center: (M-01-149)**

- Hobby Lobby, in the amount of \$35.96
- W.W. Grainger, Inc., in the amount of \$122.56
- Midland Medical Supply, in the amount of \$593.13
- Kinko's, in the amount of \$218.50
- Signs Now, in the amount of \$157.85
- Bob Barker Company, in the amount of \$5,014.17
- Nogg, in the amount of \$2,159.46

**MOTION:** Workman moved and Hudkins seconded approval. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

**K. Recommendation from the County Engineer and the Purchasing Agent to award a bid for repair of County Structure #F-44 (bridge located over W. Oak Creek on N.W. 48<sup>th</sup> Street) to Mossman Enterprises, LLC. The total amount of this award is \$17,140. (B-01-55)**

**MOTION:** Heier moved and Hudkins seconded approval. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

**L. Ratify a software upgrade and maintenance payment for two Sun Microcomputer workstations with Government Technology Services, Inc. for the GIS System for the County Assessor. Term of the agreement is from July 1, 2001 to June 30, 2002. Total cost of the contract is \$1,272. (C-01-595)**

**MOTION:** Workman moved and Hudkins seconded approval. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

**M. Approval of Request of Jeff Priest of At Home Hearing Service to release liens on his 1988 Oldsmobile 4 door sedan, 1985 Toyota Sport Van and 1991 Isuzu 4 door sedan stylus, and a UCC release for a Qualitone Audiometer, in exchange for the payment of \$5,200 against his Rural Enterprise Assistance Program (REAP) loan. Release of any property is subject to the money being received. (C-01-593)**

Dave Johnson, Deputy County Attorney, appeared and explained that the liens will be released once the check has cleared.

6) **NEW BUSINESS CONTINUED:**

In response to a question from Stevens, Johnson said Priest is aware that the payment will not cancel the agreement or release the other equipment.

**MOTION:** Heier moved and Stevens seconded approval. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

**N. Amendment to the Certificate of Appointment of the representatives of the County of Lancaster to the Board of the Lancaster County Fairgrounds Joint Public Agency. The amendment appoints Larry Hudkins as the alternate representative for Bob Workman and Ray Stevens as the alternate representative for Bernie Heier. (C-01-592)**

**MOTION:** Heier moved and Workman seconded approval. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

**O. A resolution authorizing the installation of the following traffic signs in Lancaster County, Nebraska: (R-01-125)**

**At the intersection of S.W. 58<sup>th</sup> Street and W. Olive Creek Road:**

- **Install a Stop sign on S.W. 58<sup>th</sup> Street for northbound traffic at the W. Olive Creek Road intersection, which will create a 3-way stop at the intersection**
- **Install 3-way signs below each Stop sign at the intersection**
- **Install a Stop Ahead sign, for northbound traffic on S.W. 58<sup>th</sup> Street approximately 500' south of the W. Olive Creek Road intersection**
- **After February 11, 2002, make the following sign changes at the intersection of S.W. 58<sup>th</sup> Street and W. Olive Creek Road:**
  1. **Remove the Stop sign on W. Olive Creek Road for westbound traffic.**
  2. **Remove the existing Stop Ahead sign on W. Olive Creek Road east of S.W. 58<sup>th</sup> Street for westbound traffic.**
  3. **Remove 3-way signs below each stop sign at the intersection.**
  4. **Install "Cross Traffic Does not Stop" signs below the Stop signs on S.W. 58<sup>th</sup> Street for northbound and southbound traffic. Remove these warning signs after a six-month adjustment period.**

6) NEW BUSINESS CONTINUED:

At the intersection of S. 25<sup>th</sup> Street and Pella Road:

- Install Stop sign on Pella Road for eastbound traffic at the S. 25<sup>th</sup> Street intersection, which will create a 3-way stop at the intersection
- Install 3-way signs below each Stop sign at the intersection
- Install a Stop Ahead sign, for eastbound traffic on Pella Road approximately 500' west of the 25<sup>th</sup> Street intersection
- After February 11, 2002, make the following sign changes at the intersection of S. 25<sup>th</sup> Street and Pella Road:
  1. Remove the Stop sign on S. 25<sup>th</sup> Street for northbound traffic.
  2. Remove 3-way signs below each stop sign at the intersection.
  3. Install "Cross Traffic Does not Stop" signs below the Stop signs on Pella Road for eastbound and westbound traffic. Remove these warning signs after a six-month adjustment period.

With the completion of construction on Bridges A-171 and A-172 located on N. 162<sup>nd</sup> Street between Greenwood Road and Branched Oak Road, make the following sign changes:

- Remove the Weight limit signs from each bridge location
- Remove two narrow bridge signs from N. 162<sup>nd</sup> Street one located just north of Greenwood Road for northbound traffic and one located north of Bridge A-172 for southbound traffic

**MOTION:** Hudkins moved and Stevens seconded approval. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

**P. Change Order for Project No 01-23; Interchange Ramps at N.W. 27<sup>th</sup> Street and Hwy 34. The Order is for Sawcut Pavement, Tie Bars, Joint Sealing and Mobilization in the amount of \$10,771.25. (C-01-596)**

**MOTION:** Hudkins moved and Heier seconded approval. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

**Q. A resolution in the matter of witness fees paid by Lancaster County which have remained unclaimed for six months or more. (R-01-126)**

**MOTION:** Hudkins moved and Heier seconded approval. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

**R. Setting of salary for Samuel Van Pelt, as Deputy Clerk of the District Court, at \$52,250, effective November 30, 2001. (M-01-143)**

**MOTION:** Heier moved and Stevens seconded approval. Stevens, Hudkins, Heier and Campbell voted aye. Workman abstained from voting. Motion carried.

**S. Request by Judge Witthoff for his Bailiff Janice K. Wood to be classified as a Bailiff II at the salary of \$39,106, effective December 27, 2001. (M-01-147)**

**MOTION:** Heier moved and Stevens seconded approval. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

**T. A political subdivision tort claim filed against Lancaster County by Larry M. Barry.**

**MOTION:** Heier moved and Hudkins seconded to deny the tort claim. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

**U. A political subdivision tort claim filed against Lancaster County by Jason N. Witmer, in the amount of \$50,000,000.**

**MOTION:** Heier moved and Hudkins seconded to deny the tort claim. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

**V. Appointments of Tiffany Booher, Pat Schmidt, Deb Howe, Diane Spellman, Deila Steiner, Julie Torquati and Gerry Dimon to the Child Care Advisory Committee, all terms expiring September 26, 2003.**

Heier indicated that Tiffany Booher is his daughter.

**MOTION:** Heier moved and Hudkins seconded approval of the appointments to the Child Care Advisory Committee, with the exception of Tiffany Booher. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

**MOTION:** Hudkins moved and Workman seconded approval of the appointment of Tiffany Booher to the Child Care Advisory Committee. Workman, Hudkins, Campbell and Stevens voted aye. Heier abstained from voting. Motion carried.

- 7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Receive and Place on File:**

1. County Clerk's Monthly Report for November, 2001
2. Records & Information Management's Monthly Report for November, 2001
3. Sub-Recipient Amendment to State and Local Assistance Program Nebraska Cooperative Agreement for Emergency Management System of Lancaster County. Amendment provides for additional award of \$34,014.76 due to extra allocation of funds not previously obligated.
4. Receipt of Cash Deposit as Surety for Administrative Permit #01017.
5. Lancaster Manor's Monthly Report

- B. Setting of a public hearing for Tuesday, December 18, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building to adopt a budget for the County Dental Self Insurance Fund, pursuant to Neb. Rev. Stat. §13-511. The Dental Self Insurance Program will begin January 1, 2002 and will include seven months of premiums totaling \$250,000 for the current fiscal year ending June 30, 2002.**

7) **CONSENT ITEMS CONTINUED:**

- C. A request from Frank L. Sherbondy, an employee with the Lancaster County Juvenile Court, to voluntarily participate in the County's retirement plan. (M-01-128)
- D. A request from Janice K. Wood, Bailiff II for Judge Earl J. Witthoff, to voluntarily participate in the County's retirement plan. (M-01-148)
- E. A right-of-way agreement relating to road improvements between the Lancaster County Engineering Department and Daniel and Cynthia Berlin, on property located at 11600 Van Dorn Street, in the amount of \$75; Project No. C55-J-409(1). (C-01-586)

**MOTION:** Heier moved and Hudkins seconded approval of the Consent Items. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

8) **ADJOURNMENT:**

**MOTION:** Stevens moved and Hudkins seconded adjournment of the Board of Commissioners meeting at 2:34 p.m. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

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Bruce Medcalf  
County Clerk